

PART IV - SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

SECTION L

INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

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SECTION L

INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

L.1 FAR 52.204-6 CONTRACTOR IDENTIFICATION NUMBER – DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER (OCT 2003)

(a) The offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation “DUNS” or “DUNS+4” followed by the DUNS number or “DUNS+4” that identifies the offeror’s name and address exactly as stated in the offer. The DUNS number is a nine-digit number assigned by Dun and Bradstreet, Inc. The DUNS+4 is the DUNS number plus a 4-character suffix that may be assigned at the discretion of the offeror to establish additional CCR records for identifying alternative Electronic Funds Transfer (EFT) accounts (see Subpart 32.11) for the same parent concern.

(b) If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one.

(1) An offeror may obtain a DUNS number—

(i) If located within the United States, by calling Dun and Bradstreet at 1-866-705-5711 or via the Internet at <http://www.dnb.com>; or

(ii) If located outside the United States, by contacting the local Dun and Bradstreet office.

(2) The offeror should be prepared to provide the following information:

(i) Company legal business name.

(ii) Tradestyle, doing business, or other name by which your entity is commonly recognized.

(iii) Company physical street address, city, state and ZIP Code.

- (iv) Company mailing address, city, state and ZIP Code (if separate from physical).
- (v) Company telephone number.
- (vi) Date the company was started.
- (vii) Number of employees at your location.
- (viii) Chief executive officer/key manager.
- (ix) Line of business (industry).
- (x) Company Headquarters name and address (reporting relationship within your entity).

L.2 IIPS PROPOSAL PREPARATION INSTRUCTIONS—GENERAL (FEB 2001)

- (a) Offerors are expected to be sufficiently knowledgeable of the missions and administrative procedures of the Strategic Petroleum Reserve to adequately prepare their offers and other proposal information to be submitted under this solicitation. Information relating to operational philosophy, strategic plans and technical programs is available from various documents on the Internet as referenced in Section L, Attachment A. Section C contains the Statement of Work for the Strategic Petroleum Reserve that the Offeror will be proposing to manage and operate.
- (b) The term "Offeror" as used in this Section L refers to the single legal entity submitting the offer. The entity may be a corporation, a joint venture, a limited liability corporation, or other legal entity. The entity may be preexisting or newly formed for the purpose of competing for this contract. However, the work performed by the Offeror shall be conducted by a separate corporate entity from its parent corporation(s) that will be totally responsible for all contract activities (see Section H.15). A management and integrating contract arrangement is not acceptable.
- (c) The Offeror must include full, accurate, and complete information on each of the participating firms as well as on the separate corporate entity itself.

- (d) This solicitation requires Offerors to submit written information and to submit part of its proposal through an oral presentation.
- (e) No classified information shall be included in the Offeror's written information or the Offeror's oral presentation.
- (f) Proposals are expected to conform to the solicitation provision entitled "Instruction to Offerors – Competitive Acquisition" and be prepared in accordance with this section. To aid in evaluation, proposals shall be clearly and concisely written as well as being neat, indexed (cross-indexed as appropriate) and logically assembled. All pages of each part shall be appropriately numbered, and identified with the name of the offeror, the date, and the solicitation number to the extent practicable. Proposal files are to be formatted in one of the following applications: Adobe Acrobat PDF, MS Word 97 or higher, MS-Excel 97 or higher. Proposals may be a mixed media. It is preferred that the cost proposal be submitted in Excel.
- (g) Overall Arrangement of Proposal
 - (1) The overall proposal shall consist of four (4) volumes, individually entitled as stated below. Each volume will be submitted as a separate file. Multiple electronic files may be submitted for each volume; however, each file must clearly identify the area (volume) to which it is responsive.
 - (2) **Signed Originals. Submission of electronic proposals via IIPS will constitute submission of signed copies of the required documents. The name of the authorized company official shall be entered (typed) in the appropriate space shown on the form(s). Bidders/Offerors are advised that the submission of your proposal in an electronic format is required.**

Electronic Files to be submitted as Follows:

Proposal Volume	Title
Volume 1	Offer and Other Documents
Volume 2	Cost Proposal
Volume 3	Business Management and Technical Proposal
Volume 4	Phase-In Plan

Each group designated above, is to be submitted individually according to the instructions detailed in the on-line help which can be found at <http://e-center.doe.gov> under the “help” button.

- (h) **Maximum Page Limitations.** There is no page limitation for the Offer and Other Documents (Volume I) or the Cost Evaluation Information (Volume III). The written information submitted for the Technical and Business Management evaluation (Volume II) shall not exceed the following page limitations:
 - (1) Strategic Management (paragraph L.4 (a)), Organizational Chart (paragraph L.4 (b) (2)), relevant experience information (paragraph L.4 (d) (1)), and Implementation Plan (paragraph L.4 (e) (2)) shall together not exceed 50 pages.
 - (2) Key Personnel resumes (paragraph L.4 (b) (4)) shall not exceed four pages for each resume. Page limitation does not include Letters of Commitment.
 - (3) Past Performance Information (paragraph L.4 (d) (2) and L.4 (d) (3)) shall have no page limit.
 - (4) Transition Plan (paragraph L.4 (e) (1)) shall have a 10-page limit.
 - (5) Executive Summary and Transmittal Letter (L.4 (f)) shall have a five-page limit.
- (i) **Page Formatting and Restrictions.** The following page formatting and restrictions shall apply:
 - (1) Page size shall be 8.5 x 11 inches, with the exception of illustrations. Page margins shall be a minimum of one inch at the top, bottom, and each side. Text shall be typed using 12 point (or larger), single-spaced, using a Times New Roman font type. Pages shall be numbered sequentially by volume and by section within the volumes. The solicitation number, page number, and the legend at FAR 52.215-1(e), “Restriction on Disclosure and Use of Data,” as appropriate, shall be provided on each page and is the only information that can be displayed within the one-inch top, bottom, and side margins. A font size smaller than that described in the text below can be used for this information;

however, other text reductions are unacceptable. When both sides of a sheet display printed material, they will be counted as two (2) pages.

- (2) Graphs, tables and spreadsheets where necessary must be 8 point or larger font type.
- (3) Illustrations such as charts, tables, diagrams, shall not exceed 11 x 17 inches. Illustration pages are considered two pages for purposes of determining the number of pages. When both sides (front and back) of an illustration contain printed material, they will be counted as four pages. Page margins for the illustrations shall be a minimum of one inch at the top, bottom, and each side.
- (4) Proposal information in Volume II will only be read and evaluated up to the page limitations. Page counting will begin with the first page of each item subject to a page limitation. Page count will be as displayed in IIPS. Pages exceeding the page count will not be read or evaluated. No material may be incorporated by reference as a means to circumvent the page limitations.
- (5) Tables of Contents, Lists of Figures, a List of Acronyms, dividers, tabs, or similar inserts that do not provide any substantive information are not counted as a page.

L.3 PROPOSAL PREPARATION INSTRUCTIONS

A. General

The overall response to this request shall consist of four (4) physically separate and detachable Parts, individually entitled:

Volume I - Offer and Other Documents Proposal

Volume II - Cost Proposal

Volume III - Business Management and Technical Proposal

Volume IV - Phase In Plan

To aid in evaluation, proposals shall be clearly and concisely written, indexed (cross-indexed as appropriate), and logically assembled. All pages

of each Part shall be appropriately numbered and identified with the name of the offeror, the date, and the solicitation number to the extent practicable.

B. Preparation of Volume I - Offer and Other Documents Proposal

(1) General

Volume I - Offer and Other Documents Proposal consists of the actual offer to enter into a contract to perform the desired service. It also includes required representations and certifications and certain administrative information.

(2) Content

Volume I - Offer and Other Documents shall include the following, in the order listed:

- (a) The Proposal Form Standard Form 33 (SF33) (Solicitation, Offer, and Award), fully executed (See Paragraph B (3) below).
- (b) Offeror Representations and Certifications, fully executed (see Paragraph B (4) below).
- (c) Additional Information to be Furnished by the offeror (see Paragraph B (5) below).
- (d) Financial Data (see Paragraph B (6) below).

(3) Proposal Form

Use of the Form. The Proposal Form, SF-33 (Solicitation, Offer, and Award) which is identified in Solicitation Part I - Section A is to be executed fully and used as the cover sheet (or first page) of each copy of contract proposal.

Acceptance Period. The acceptance period entered on the Proposal Form by the offeror shall not be less than one hundred twenty (120) days from date of proposal, prescribed in Solicitation Part I - Section A. The one hundred twenty (120)-day acceptance period shall apply if no other period is offered.

Signature Authority. The person signing the Proposal Form must have the authority to commit the offeror to all of the provisions of the proposal, fully recognizing that the Government has the right, by terms of the Solicitation, to make an award without further discussion if it so elects.

Notice Concerning Exceptions or Deviations. By signing and submitting the SF 33, the Offeror commits to accept the resulting contract as written and to comply with the other provisions of the solicitation. Any exceptions or deviations by the Offeror to the terms and conditions stated in this solicitation for inclusion in the resulting contract will make the offer unacceptable for award without discussions.

(4) Offeror Representations and Certification Form

The Offeror Representations and Certification form (RFP Part IV - Section K) is to be executed fully and a copy included in each copy of Volume I - Offer and Other Documents Proposal.

(5) Additional Information to be Furnished

Volume I - Offer and Other Documents Proposal shall, in addition to the pertinent information, contain information specifically addressing each of the following:

- (a) Acknowledgment of Amendments. Acknowledge receipt of any Amendments to this Solicitation.
- (b) Contractor Representative. Furnish the names, titles, and telephone numbers of persons authorized to represent the offeror in contractual matters.
- (c) Remittance Address. If the offeror's remittance address is different from the address shown on the Proposal Form, such address shall be furnished, including zip code.
- (d) Administrative Cognizance - Furnish the name, address, telephone number and cognizant official of the Government agencies having administrative cognizance over the following activities for the home office(s):

- (1) Government contract administration.
- (2) Government audits.

(6) Financial Data

The offeror shall demonstrate that it has the financial resources available to perform this contract during the phase-in period and subsequent operation. A cash-flow plan analysis and projection shall be provided by the offeror showing sources of funds that will be made available to meet financial requirements.

The cash-flow plan analysis and projection should provide cash flow data, with sub-totals for each, for the (1) phase-in period; (2) base contract period; (3) option period(s); (4) and phase-out period. Totals of cash flow data should also be provided for (1) the combination of the base contract period and the option period(s); and (2) for all periods.

If internal company funds will be used to finance all or a portion of the operation, the offeror shall provide evidence that such funds are available. If funds are currently on deposit in a bank or other financial institution, the offeror shall provide the name of the bank, telephone number, and the name of an official at the financial institution who will verify that such funds are on deposit and can be made available for use in performing this contract.

If lines of credit will be used, the offeror shall provide the following information:

- (i) The name of the bank or other financial institution that provides the lines of credit.
- (ii) The name and telephone number of an official at the financial institution who will verify the remaining balance available for this contract.

Each offeror shall provide a set of audited financial statements for the past three (3) years of operation, and interim financial statements for the current year. Audited financial statements shall include the report by an independent accountant, a Balance Sheet, a Statement of Income, a Statement of Retained Earnings (or equivalent statement of equity), a Statement of Cash Flows, and all integral footnote

disclosures. Current year interim financial statements shall include a Balance Sheet, a Statement of Income, a Statement of Retained Earnings (or equivalent statement of equity), and a Statement of Cash Flows.

Using these financial statements, current interim statements, Form 10K, and any other current relevant financial data, prepare and submit a presentation to demonstrate adequate financial condition/capability to perform under the proposed contract. Techniques used in presentation may be ratio analyses, statistical analyses, etc., or other generally acceptable methodology. (In the event of a joint venture proposal, the proposed mix of venture companies' capital investment and/or resources must be properly considered in the presentation.)

A statement which shows the offeror's estimated total sales for the base period (e.g., "This proposed contract will represent ____ percent of the offeror's estimated total business during the period of performance").

C. Preparation of Volume II - Cost Proposal

The offeror's cost proposal shall consist of the CONTRACT PRICING PROPOSAL COVER SHEET, STANDARD FORM (SF) 1411, which is provided as Exhibit D to this Section L, along with the following supporting attachments which accompany the SF 1411:

Attachment 1 - Cost Proposal Summary
Attachment 2 - Direct Labor Cost Summary
Attachment 3 - Indirect Cost Summary
Attachment 4 - Other Costs Summary
Attachment 5 – Fee Proposal

The attachments illustrate the required format and level of detail for the submission of initial cost proposals. Notes and instructions are provided to facilitate their preparation. No other information is required or desired in connection with the initial cost proposal. The Government may solicit additional information from those offerors whose proposals are included in the competitive range. The Contractor's fee proposal shall be in accordance with the Department of Energy Acquisition Regulation 915.404-4-72.

D. Preparation of Volume III - Business Management and Technical Proposal

(1) General

Since your Business Management and Technical Proposal will be evaluated to determine such matters as your understanding of work and potential for successfully completing the required work, it should be specific and complete.

In order that the Business and Technical Management Proposal may be evaluated strictly on the merit of the material submitted, no contractual cost information is to be included in the Business and Technical Management Proposal. Where estimated labor/hours will provide clarity, they shall be quoted in labor/hour figures only, with no indication as to the cost of these labor/hours.

The Business Management and Technical Proposal shall not exceed 60 pages (excluding resumes and letters of commitment for key personnel). Resumes for key personnel are limited to 3 pages each. For interpretation of page guidelines, the front and back of a single sheet are counted as two pages. Except for illustrations, the proposed text shall be typed (type size shall not exceed 12 characters per inch averaged over one full line of text) and printed, unreduced (45 lines per page), on size 8 1/2-inch by 11-inch paper with minimum left and right margins of 1/2-inch. Pages shall be sequentially numbered with the page number on each page. The page guidelines constitute a limitation on the total amount of material that may be submitted for evaluation. No material may be incorporated in any proposal by reference, attachment, appendix, video tape or audio tape as a means to circumvent the page limitation. Video tapes, audio tapes and floppy discs will not be reviewed.

If a Business Management and Technical Proposal is received which exceeds the page limitation, the additional pages that exceed the limitation will not be read and evaluated by DOE.

(2) Format and Content

At a minimum, your proposal shall contain the information specified below in accordance with the following general format:

- (a) Table of Contents (excluded from page count limitation).
 - (b) List of Tables and Exhibits (excluded from page count limitation).
 - (c) Business Management and Technical Discussion.
- (3) Business Management and Technical Discussion

This section shall contain the major portion of the Business Management and Technical Proposal. It should clearly present information adequate to fully evaluate each of the Business Management Proposal evaluation criteria in Section M of the solicitation. It should include the following:

(a) Management Approach

Describe the proposed management approach for providing the contract services. Discuss how work will be planned, executed, and assessed in order to assure timely and high quality services and products. Describe any new or innovative methods or techniques for cost savings and/or increased efficiencies which are central to the proposed management approach. Provide an organization plan, with appropriate charts, that shows the proposed organization for this contract. This plan should describe the responsibilities and authorities of key functional units, organizational interfaces, and the potential of the proposed organization for effective and efficient contract performance. Also, discuss the authority and independence of the proposed Project Manager in his relations with the corporate office, as well as his proposed interaction with DOE.

(b) Key Personnel

Identify proposed key personnel and provide details concerning their applicable qualifications, including education and experience, to carry out assigned duties and responsibilities. Only one resume, in the format shown in Exhibit A, shall be submitted per key position. The resume for each person must clearly reflect the current position held, education, management and technical experience,

accomplishments, and responsibility for the work accomplished. Each resume must be accompanied by a letter of commitment, signed by an authorized representative of the offeror and the individual, attesting to the availability and commitment of the proposed key person to fill the assigned position.

(c) Past Performance of the Offeror

Summarize the firm's past performance during the last 5 years, which is indicative of ability to successfully perform the work described in this request. As part of this discussion, provide the following information for the 5 most relevant contracts. Contracts listed may include those entered into by the Federal Government, agencies of state and local governments and commercial customers. Include the following information for each contract and subcontract:

- (1) Name and address of your client; name and telephone number of client's representative. If for U.S. Government, identify procurement office involved and name of Contracting Officer.
- (2) Contract number.
- (3) Period and place of service.
- (4) Type of services performed.
- (5) Contract type.
- (6) Dollar value of contract.
- (7) Description of work, accomplishments, including actual delivery and cost performance versus delivery and cost agreed to in contract.
- (8) List of major subcontractors

The offeror may provide information on problems encountered on the contracts and subcontracts identified

above. Also corrective actions taken to resolve those problems.

The offeror may describe any quality awards or certifications that indicate the offeror possesses a high-quality process of developing and producing the product or service required.

Each offeror will be evaluated on performance under existing and prior contracts for similar services. Performance information will be used for both responsibility determinations and as an evaluation factor against which offerors' relative rankings will be compared to assure best value to the government. The government will focus on information that demonstrates quality of performance relative to the size and complexity of the procurement under consideration.

The offeror should also provide a list of any Government and commercial contracts terminated (partially or completely) within the past 3 years, including dollar amount of contract, brief description of SOW, sponsoring agency, contract number, and name and telephone number of the Contracting Officer.

(d) Corporate Commitment

Address the priority placed by the offeror on this contract relative to other corporate commitments. Provide the name and title of the offeror's top corporate official responsible for the effort. Discuss the interest, commitment, and participation of corporate management to the achievement of excellence in contract performance.

(e) Human Resource Management

Describe your firm's experience during the past five (5) years in managing a work force comparable to this contract. As part of this description, specifically address: experience as a successor employer in taking over existing organizations; specific findings, and responses to the findings of Equal Employment Opportunity (EEO) compliance reviews, as well as summary information regarding complaint investigations

and litigations, and techniques used to attract, retain, and motivate people. Provide a Human Resource Management Plan which addresses compensation, employee fringe benefits, EEO, and affirmative action, and employee training and development. Describe your plans, including the benefits to the Government regarding the retention or replacement of the incumbent personnel.

E. Preparation of Volume IV - Phase-In Plan

All offerors shall submit a Phase-In Plan. The plan should provide a schedule and an approach to assume full contractual responsibility upon completion of the 14-calendar-day phase-in period. Topics to be addressed should include phase-in staffing, transition of incumbent personnel, and other activities necessary to ensure continuity of contract operations.

L.4 IIPS SUPPLEMENTAL SOLICITATION DEFINITIONS (FEB 2001)

“Proposal” means the electronic written proposal, bid or application submitted via IIPS or an authorized alternative in response to this solicitation.

“Oral Presentation” means the information presented orally in response to this solicitation, which demonstrates the offeror’s capability to perform the stated requirements.

“IIPS” is the acronym for the “Industry Interactive Procurement System” and means the hardware, firmware and software platform, including the associated databases, by which the U.S. Department of Energy conducts electronic business.

“Electronic signature or signature” means a method of signing an electronic message that-

- (a) Identifies and authenticates a particular person as the source of the electronic message; and
- (b) Indicates such person’s approval of the information contained in the electronic message.

L.5 IIPS INTENTION TO PROPOSE (SEP 1999)

Please review this solicitation. To enable us to anticipate the number of submissions to be evaluated, please complete the information in the Intention to

Propose (SPRPMO Form 4200.14) and email the completed form to the Contract Specialist: Chris.Silva@spr.doe.gov by the earliest practical date.

L-6 FAR 52.215-1 INSTRUCTIONS TO OFFERORS--COMPETITIVE ACQUISITION (JAN 2004)

(a) *Definitions.* As used in this provision --

“Discussions” are negotiations that occur after establishment of the competitive range that may, at the Contracting Officer’s discretion, result in the offeror being allowed to revise its proposal.”

“In writing,” “writing,” or “written” means any worded or numbered expression which can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

“Proposal modification” is a change made to a proposal before the solicitation’s closing date and time, or made in response to an amendment, or made to correct a mistake at any time before award.

“Proposal revision” is a change to a proposal made after the solicitation closing date, at the request of or as allowed by a Contracting Officer as the result of negotiations.

“Time,” if stated as a number of days, is calculated using calendar days, unless otherwise specified, and will include Saturdays, Sundays, and legal holidays. However, if the last day falls on a Saturday, Sunday, or legal holiday, then the period shall include the next working day.

(b) *Amendments to solicitations.* If this solicitation is amended, all terms and conditions that are not amended remain unchanged. Offerors shall acknowledge receipt of any amendment to this solicitation by the date and time specified in the amendment(s).

(c) *Submission, modification, revision, and withdrawal of proposals.*

(1) Unless other methods (*e.g.*, electronic commerce or facsimile) are permitted in the solicitation, proposals and modifications to proposals shall be submitted in paper media in sealed envelopes or packages

(i) Addressed to the office specified in the solicitation, and

(ii) showing the time and date specified for receipt, the solicitation number, and the name and address of the offeror. Offerors using commercial carriers should ensure that the proposal is marked on the outermost wrapper with the information in paragraphs (c) (1) (i) and (c) (1) (ii) of this provision.

(2) The first page of the proposal must show –

(i) The solicitation number;

(ii) The name, address, and telephone and facsimile numbers of the offeror (and electronic address if available);

(iii) A statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation and agreement to furnish any or all items upon which prices are offered at the price set opposite each item;

(iv) Names, titles, and telephone and facsimile numbers (and electronic addresses if available) of persons authorized to negotiate on the offeror's behalf with the Government in connection with this solicitation; and

(v) Name, title, and signature of person authorized to sign the proposal. Proposals signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.

(3) *Submission, modification, revision, and withdrawal of proposals.*

(i) Offerors are responsible for submitting proposals, and any modification, or revisions, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 3:00 p.m., local time, for the designated Government office on the date that proposal or revision is due.

(ii)(A) Any proposal, modification, or revision received at the Government office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition; and –

(1) If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 3:00 p.m. one working day prior to the date specified for receipt of proposals; or

(2) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers; or

(3) It is the only proposal received.

(B) However, a late modification of an otherwise successful proposal that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.

(iii) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(iv) If an emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the office designated for receipt of proposals by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.

(v) Proposals may be withdrawn by written notice received at any time before award. Oral proposals in response to oral solicitations may be withdrawn orally. If the solicitation authorizes facsimile proposals, proposals may be withdrawn via facsimile received at any time before award, subject to the conditions specified in the provision at 52.215-5, Facsimile Proposals. Proposals may be withdrawn in person by an offeror or an authorized representative, if the identity of the person requesting withdrawal is established and the person signs a receipt for the proposal before award.

(4) Unless otherwise specified in the solicitation, the offeror may propose to provide any item or combination of items.

(5) Offerors shall submit proposals in response to this solicitation in English, unless otherwise permitted by the solicitation, and in U.S. dollars, unless the provision at FAR 52.225-17, Evaluation of Foreign Currency Offers, is included in the solicitation.

(6) Offerors may submit modifications to their proposals at any time before the solicitation closing date and time, and may submit modifications in response to an amendment, or to correct a mistake at any time before award.

(7) Offerors may submit revised proposals only if requested or allowed by the Contracting Officer.

(8) Proposals may be withdrawn at any time before award. Withdrawals are effective upon receipt of notice by the Contracting Officer.

(d) *Offer expiration date.* Proposals in response to this solicitation will be valid for the number of days specified on the solicitation cover sheet (unless a different period is proposed by the offeror).

(e) *Restriction on disclosure and use of data.* Offerors that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes, shall –

(1) Mark the title page with the following legend:

This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed -- in whole or in part -- for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of -- or in connection with -- the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [*insert numbers or other identification of sheets*]; and

(2) Mark each sheet of data it wishes to restrict with the following legend:

Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.

(f) *Contract award.*

(1) The Government intends to award a contract or contracts resulting from this solicitation to the responsible offeror(s) whose proposal(s) represents the best value after evaluation in accordance with the factors and sub factors in the solicitation.

(2) The Government may reject any or all proposals if such action is in the Government's interest.

(3) The Government may waive informalities and minor irregularities in proposals received.

(4) The Government intends to evaluate proposals and award a contract **without discussions** with offerors (except clarifications as described in FAR 15.306(a)). Therefore, the offeror's initial proposal should contain the offeror's best terms from a cost or price and technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary. If the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an

efficient competition can be conducted, the Contracting Officer may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals.

(5) The Government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit cost or prices offered, unless the offeror specifies otherwise in the proposal.

(6) The Government reserves the right to make multiple awards if, after considering the additional administrative costs, it is in the Government's best interest to do so.

(7) Exchanges with offerors after receipt of a proposal do not constitute a rejection or counteroffer by the Government.

(8) The Government may determine that a proposal is unacceptable if the prices proposed are materially unbalanced between line items or subline items. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated as indicated by the application of cost or price analysis techniques. A proposal may be rejected if the Contracting Officer determines that the lack of balance poses an unacceptable risk to the Government.

(9) If a cost realism analysis is performed, cost realism may be considered by the source selection authority in evaluating performance or schedule risk.

(10) A written award or acceptance of proposal mailed or otherwise furnished to the successful offeror within the time specified in the proposal shall result in a binding contract without further action by either party.

(11) If a post-award debriefing is given to requesting offerors, the Government shall disclose the following information, if applicable:

(i) The agency's evaluation of the significant weak or deficient factors in the debriefed offeror's offer.

(ii) The overall evaluated cost or price and technical rating of the successful and the debriefed offeror and past performance information on the debriefed offeror.

(iii) The overall ranking of all offerors, when any ranking was developed by the agency during source selection.

(iv) A summary of the rationale for award.

(v) For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror.

(vi) Reasonable responses to relevant questions posed by the debriefed offeror as to whether source-selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the agency.

L.7 FAR 52.215-16 FACILITIES CAPITAL COST OF MONEY (JUN 2003)

(a) Facilities capital cost of money will be an allowable cost under the contemplated contract, if the criteria for allowability in FAR 31.205-10(b) are met. One of the allowability criteria requires the prospective Contractor to propose facilities capital cost of money in its offer.

(b) If the prospective Contractor does not propose this cost, the resulting contract will include the clause Waiver of Facilities Capital Cost of Money.

L.8 FAR 52.215-20 REQUIREMENTS FOR COST OR PRICING DATA OR INFORMATION OTHER THAN COST OR PRICING DATA (OCT 1997)

(a) *Exceptions from cost or pricing data.*

(1) In lieu of submitting cost or pricing data, offerors may submit a written request for exception by submitting the information described in the following subparagraphs. The Contracting Officer may require additional supporting information, but only to the extent necessary to determine whether an exception should be granted, and whether the price is fair and reasonable.

(i) *Identification of the law or regulation establishing the price offered.* If the price is controlled under law by periodic rulings, reviews, or similar actions of a governmental body, attach a copy of the controlling document, unless it was previously submitted to the contracting office.

(ii) *Commercial item exception.* For a commercial item exception, the offeror shall submit, at minimum, information on prices at which the same item or similar items have previously been sold in the commercial market that is adequate for evaluating the reasonableness of the price for this acquisition. Such information may include—

- (A) For catalog items, a copy of or identification of the catalog and its date, or the appropriate pages for the offered items, or a statement that the catalog is on file in the buying office to which the proposal is being submitted. Provide a copy or describe current discount policies and price lists (published or unpublished), *e.g.*, wholesale, original equipment manufacturer, or reseller. Also explain the basis of each offered price and its relationship to the established catalog price, including how the proposed price relates to the price of recent sales in quantities similar to the proposed quantities;
 - (B) For market-priced items, the source and date or period of the market quotation or other basis for market price, the base amount, and applicable discounts. In addition, describe the nature of the market;
 - (C) For items included on an active Federal Supply Service Multiple Award Schedule contract, proof that an exception has been granted for the schedule item.
- (2) The offeror grants the Contracting Officer or an authorized representative the right to examine, at any time before award, books, records, documents, or other directly pertinent records to verify any request for an exception under this provision, and the reasonableness of price. For items priced using catalog or market prices, or law or regulation, access does not extend to cost or profit information or other data relevant solely to the offeror's determination of the prices to be offered in the catalog or marketplace.
- (b) *Requirements for cost or pricing data.* If the offeror is not granted an exception from the requirement to submit cost or pricing data, the following applies:
- (1) The offeror shall prepare and submit cost or pricing data and supporting attachments in accordance with Table 15-2 of FAR 15.408.
 - (2) As soon as practicable after agreement on price, but before contract award (except for unpriced actions such as letter contracts), the offeror shall submit a Certificate of Current Cost or Pricing Data, as prescribed by FAR 15.406-2.
- (c) When the proposal is submitted, also submit one copy each to: (1) the Administrative Contracting Officer, and (2) the Contract Auditor.

L.9 FAR 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government contemplates award of Performance-Based Cost Reimbursement Service Contract containing Performance Fees as a result of this solicitation. No fee is contemplated for the phase in period.

L.10 FAR 52.222-21 CERTIFICATION OF NON-SEGREGATED FACILITIES (FEB 1999)

In furtherance of Clause FAR 52.222-21, Certification of Non-Segregated Facilities” in Section K, the Offeror is cautioned as follows: By submitting a signed proposal under this solicitation, the offeror will be deemed to have signed and agreed to the provisions for “Certification of Non-segregated Facilities” on the Offeror Representations and Certifications form in this solicitation. The certification provides that the offeror does not maintain or provide for his employees facilities which are segregated on the basis of race, creed, color or national origin, whether such facilities are segregated by directive or on a de facto basis. The certification also provides that he will not maintain such segregated facilities. Failure of an offeror to agree to the Certification of Non-segregated Facilities may result in his offer not being considered for award of contracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause.

L.11 FAR 52.222-24 PRE AWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE REVIEW (FEB 1999)

If a contract in the amount of \$10 million or more will result from this solicitation, the prospective Contractor and its known first-tier subcontractors with anticipated subcontracts of \$10 million or more shall be subject to a preaward compliance evaluation by the Office of Federal Contract Compliance Programs (OFCCP), unless, within the preceding 24 months, OFCCP has conducted an evaluation and found the prospective Contractor and subcontractors to be in compliance with Executive Order 11246.

L.12 FAR 52.233-2 SERVICE OF PROTEST (AUG 1996)

- (a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accountability Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from Joyce B. Francois, Contracting Officer,

FE-4451, Department of Energy, Strategic Petroleum Reserve, Project Management Office, 900 Commerce Road East, New Orleans, LA 70123.

- (b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.
- (c) Another copy of a protest filed with the General Accountability Office shall be furnished to the following address with the time periods described in paragraph (b) of this clause: U.S. Department of Energy, Assistant General Counsel for Procurement and Financial Assistance (GC-61), 1000 Independence Avenue, S.W., Washington, DC 20585, Fax: (202) 586-4546.

L.13 FAR 52.237-1 Site Visit. (Apr 1984)

Offerors or quoters are urged and expected to inspect the site where services are to be performed and to satisfy themselves regarding all general and local conditions that may affect the cost of contract performance, to the extent that the information is reasonably obtainable. In no event shall failure to inspect the site constitute grounds for a claim after contract award.

L.14 FAR 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address (es):

<http://www.arnet.gov/far/>
<http://www.pr.doe.gov/dear/>

L.15 DEAR 952.233-4 NOTICE OF PROTEST FILE AVAILABILITY (SEP 1996)

- (a) If a protest of this procurement is filed with the General Accountability Office (GAO) in accordance with 4 CFR Part 21, any actual or prospective offeror may request the Department of Energy to provide it with reasonable

access to the protest file pursuant to FAR 33.104(a)(3)(ii), implementing section 1065 of Public Law 103-355. Such request must be in writing and addressed to the Contracting Officer for this procurement.

- (b) Any offeror who submits information or documents to the Department for the purpose of competing in this procurement is hereby notified that information or documents it submits may be included in the protest file that will be available to actual or prospective offerors in accordance with the requirements of FAR 33.104(a)(3)(ii). The Department will be required to make such documents available unless they are exempt from disclosure pursuant to the Freedom of Information Act. Therefore, offerors should mark any documents as to which they would assert that an exemption applies. (See 10 CFR part 1004.)

L.16 DEAR 952.233-5 AGENCY PROTEST REVIEW (SEP 1996)

Protests to the Agency will be decided either at the level of the Head of the Contracting Activity or at the Headquarters level. The Department of Energy's agency protest procedures, set forth in 933.103, elaborate on these options and on the availability of a suspension of a procurement that is protested to the agency. The Department encourages potential protesters to discuss their concerns with the contracting officer prior to filing a protest.

L.17 EXPENSES RELATED TO OFFEROR SUBMISSIONS

This solicitation does not commit the Government to pay costs incurred in the submission of an offer or in making necessary studies or designs for the preparation thereof.

L.18 AMENDMENT OF THE SOLICITATION

The only method by which any term of this solicitation may be modified is by an express, formal amendment to the solicitation generated by the issuing office. No other communication made at any scheduled pre-proposal conference or subsequent discussions, whether oral or in writing will modify or supersede the terms of this solicitation.

L.19 CLASSIFIED MATERIAL

Performance under the proposed contract may involve access to classified material. The offeror will be required to obtain necessary security clearances for personnel who may have access to classified material.

L.20 COMMITMENT OF PUBLIC FUNDS

The Contracting Officer is the only individual who can legally commit the Government to the expenditure of public funds in connection with the proposed procurement. Any other commitment, either explicitly or implied, is invalid.

L.21 EQUAL RIGHTS NOTE

Whenever, in the solicitation or contract “man,” “men,” or their related pronouns may appear either as words or as parts of words (and other than with obvious reference named male individuals), they have been used for literary purpose and are meant in their generic sense (i.e., to include all humankind both female and male sexes).

L.22 LISTING OF EMPLOYMENT OPENINGS

Offeror should note that this solicitation includes a provision requiring the listing of employment openings with the local office of the Federal-State employment service system where a contract award is for \$10,000 or more.

L.23 APPLICATION OF EQUAL OPPORTUNITY CLAUSE

Offerors are advised that the Equal Opportunity Clause is not applicable to contracts or subcontracts (i) not exceeding \$10,000; (ii) where work is to be performed entirely outside the United States and no requirement of workers within the United States is involved; or (iii) specifically exempted by the Director, Office of Federal Contract Compliance Programs (OFCCP), United States Department of Labor. Certain other exemptions as outlined in Federal Acquisition Regulation (FAR) 22.807 apply to contracts with state or local governments; work on or near Indian reservations; and indefinite quantity contracts.

L.24 AFFIRMATIVE ACTION REQUIREMENT

Offeror should note the affirmative action requirements which may apply to the contract are as contained in Sections I and K of this solicitation.

L.25 INFORMATION FROM DEPARTMENT OF LABOR

General information regarding the requirements of the Contract Work Hours Standards Act (40 U.S.C. 327-330), and the Service Contract Act of 1965 (41 U.S.C. 351-357) may be obtained from the Department of Labor, Washington,

D.C. 20310, or from any regional office of that agency. Requests for information should include the solicitation number, the name and address of the issuing agency, and a description of the supplies and services.

L.26 CERTIFICATION OF MINIMUM WAGE AND CONFORMANCE

By submission of an offer in response to this solicitation, the offeror certifies that to the best of his knowledge, (a) his offer is in conformance with any Department of Labor Wage Determination required by the Service Contract Act of 1965, as amended and applicable to this procurement, (b) that all minimum rates and fringe benefits specified therein have been considered in the preparation of this proposal, and (c) that any conformance requirements between designated service employees and other contract personnel have been considered and appropriately reflected in this response.

L.27 RESPONSIBLE PROSPECTIVE CONTRACTORS (APR 1984)

- a. The general and additional minimum standards for responsible prospective Contractors set forth at 48 CFR 9.1 and 48 CFR 909.104-70 apply.
- b. DOE may conduct preaward surveys in accordance with 48 CFR 9.106 and may solicit from available sources, relevant information concerning the offeror's record of past performance, and use such information in making determinations of prospective offeror responsibility.

L.28 DISCUSSIONS WITH OFFERORS (APR 1984)

The Contracting Officer may conduct written or oral discussions with any or all of the offerors. Offerors will be notified of the date, time, and place for any such oral discussions.

L.29 FALSE STATEMENTS

Offerors must provide full, accurate, and complete information as required by this solicitation and its attachments. The penalty for making false statements is prescribed in 18 U.S.C. 1001.

L.30 DISPOSAL OF OFFERS

Offers will not be returned (except for timely withdrawals). One copy will be retained by the Department of Energy for official record purposes.

L.31 KEY PERSONNEL

Offerors must specify in Attachment 2 under Part III, Section J, the personnel considered to be essential to the work to be performed in accordance with the Clause of the contract entitled “Key Personnel.”

L.32 WAGE DETERMINATION

The Wage Determination is included in Section J, to the solicitation.

L.33 LABOR CATEGORIES, AVERAGE LABOR RATES, AND AVERAGE FRINGE BENEFITS FOR INCUMBENT EMPLOYEES

To aid offerors in the proposal of base and option period contract costs (reference Part I, Section B of this RFP) and the Employee Benefits and Compensation Costs in Part IV, Section L (Exhibit B), information on the incumbent contractor’s labor categories (professional and non-professional), average labor rates (professional and non-professional), and fringe benefits is provided in Exhibit B of Section L. The information in Exhibit E does not include key personnel.

L.34 NOTICE REGARDING OPTION(S)

The Department of Energy has included an option to extend the term of this contract in order to demonstrate the value it places on quality performance. This will provide a mechanism for continuing a contractual relationship with a successful offeror/contractor that performs at a level which meets or exceeds quality performance expectations as communicated to the contractor, in writing, by the contracting officer or designated representative. When deciding whether to exercise the option, the contracting officer will consider the quality of the contractor’s performance under this contract.

L.35 PROPOSAL CONSIDERATION

The Business Management and Technical Criteria in Section M will be assigned numerical weights and be point scored. As set forth in Clause L.6, it is the Government’s intention to award without discussions. If the Contracting Officer determines that discussions are necessary, the Contracting Officer, in coordination with the Source Evaluation Panel (SEP), will conduct written and/or oral discussions with all offerors whose offers are in the competitive range. Once discussions have been held with all firms in the competitive range, all offerors in

the competitive range will be provided the opportunity to submit a final revised proposal by a common cutoff time and date. That is, all firms, whose offers are in the competitive range, will be given the opportunity to revise their offer to reflect the results of discussions. If the final revised proposal is received after the established common cutoff time or date, it shall be handled in accordance with Federal Acquisition Regulation 15.412, Late Proposals and Modifications. Each final revised proposal shall be the signed contract offer of the proposer.

L.36 TIME, DATE, AND PLACE OFFERS AND PROPOSAL INFORMATION ARE DUE – ELECTRONIC SUBMISSION (OCT 2001)

- (a) Bid/Proposal Submission via the Industry Interactive Procurement Systems (IIPS)

Bids/Proposals must be received through the IIPS web site NO LATER THAN 3:00 p.m. central time on May 22, 2006. **CAUTION:** See bid/proposal submission instructions, including the provision describing treatment of Late Proposals, Modifications and Withdrawals, FAR 52.215-1.

- (b) **Submission of bids/proposals by means other than IIPS is not authorized.**

L.37 NUMBER OF AWARDS

It is anticipated that only a single contract award will result from this solicitation.